

REMARKS

In the Office Action, claims 79 and 86 are rejected under 35 U.S.C. §112, first paragraph; claim 75 is objected to; and claims 72-87 are rejected under 35 U.S.C. §103. Claim 75 has been amended. Applicants believe that the rejections have been overcome and/or are improper in view of the amendments and for the reasons set forth below.

At the outset, claim 75 has been objected to for alleged informalities as indicated on page 2 of the Office Action. In response, claim 75 has been amended as previously provided. Further, Applicants have amended claim 81 for additional informalities as previously provided. Applicants submit that the amendments to claims 75 and 81 should not be deemed as narrowing and/or disclaiming any subject matter in view of same. Therefore, Applicants believe that the objection to claim 75 has been addressed.

In the Office Action, claims 79 and 86 are rejected under 35 U.S.C. §112, first paragraph. The Patent Office alleges that the specification does not mention nor define existence state, and the claim does not make clear definition of the existence state. Applicants believe that this rejection is improper.

Of the pending claims at issue, claim 79 depends indirectly from claim 72 and further recites changing the state of the agent to existence state in response to receiving the agent parameter. Claim 86 depends indirectly from claim 81 and further recites changing the state of the animated electronic pet to existence state in response to receiving the plurality of pet parameters. Contrary to the Patent Office's position, Applicants believe that the subject matter as defined in claims 79 and 86 is fully supported in the specification, for example on page 22, such that one skilled in the art should be able to practice the claimed invention. Therefore, Applicants believe that claims 79 and 86 satisfy the enablement requirement.

Accordingly, Applicants respectfully request that the rejection of claims 79 and 86 under 35 U.S.C. §112, first paragraph be withdrawn.

In the Office Action, claims 72-87 are rejected under 35 U.S.C. §103 in view of U.S. Patent No. 6,219,045 (Leahy) and U.S. Patent No. 5,793,365 (Tang). Applicants believe that the obviousness rejection is improper. Of the pending claims at issue, claims 72 and 81 are the sole independent claims. Claim 72 recites a method of controlling an agent. The method includes sending an agent parameter; wherein said agent parameter defines a behavior of an agent; setting

a state of said agent to absent state in response to sending the agent parameter; and generating said agent parameter if said agent parameter is not returned within a predetermined time period. Claim 81 recites a method of controlling an animated electronic pet. The method includes sending a plurality of pet parameters wherein said plurality of pet parameters determine a behavior of an animated electronic pet, setting a state of said animated electronic pet to absent state in response to sending said plurality of pet parameters, and generating said plurality of pet parameters if said plurality of pet parameters are not returned within predetermined time period.

The present invention provides an E-mail sending/receiving method and apparatus and a sending/receiving program supply medium according to which under utilization of the real-world-oriented GUI, a user can entrust his or her email as an agent acting on his or her behalf to facilitate sending/reception of the E-mail by an intuitively comprehensible operation, and to which an imaginary pet displayed on a real-world-oriented GUI picture is used as an agent and a parameter for controlling the agent behavior is appended to the E-mail for sending or receiving the E-mail. See, specification, page 4, lines 9-18.

Even if combinable, Applicants believe that the cited art is distinguishable from the claimed invention. For example, the primary Leahy reference is deficient with respect to setting a state of the agent to an absent state in response to sending the agent parameter as even admitted by the Patent Office. See, Office Action, page 4.

Contrary to the Patent Office's position, Tang is also deficient at least with respect to this claimed feature. Tang merely provides that if the worker is going to leave the office, the icon 14 may be changed to reflect that status where "the worker" means to an user and "that status" means the worker is absent from his computer. Indeed, the agent as claimed does not correspond to a user. Therefore, Tang is clearly different from the claimed invention and thus even if combinable with Leahy fails to render obvious the claimed invention for at least these reasons.

Accordingly, Applicants respectfully request that the obviousness rejection of claims 72-87 be withdrawn.

For the foregoing reasons, Applicants respectfully submit that the present application is in condition for allowance and earnestly solicits reconsideration of same.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY 

Thomas C. Basso
Reg. No. 46,541
P.O. Box 1135
Chicago, Illinois 60690-1135
Phone: (312) 807-4310

Dated: October 1, 2004